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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,809	12/08/2003	Kia Silverbrook	ZG188US	8910

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

JOERGER, KAITLIN S

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,809

Applicant(s)

SILVERBROOK, KIA

Examiner

Kaitlin S Joerger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 14, 16, 17, 19 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami.

Minami teaches a page binding receiving and binding pages from a printer, the device comprising: a support tray, 4, for receiving and stacking printed pages to form a bound document; an adhesive applicator, 8, for applying adhesive to printed pages; and, a page conveyor, A, for sequentially feeding pages along a paper path; wherein, the adhesive applicator, 8, of Minami, is adapted to apply adhesive to a side edge of each pages extending parallel to the paper path, wherein the pages are conveyed in portrait.

It is clear that Minami does not teach that the adhesive is applied to the trailing edge of the paper, but this is merely a matter of orientation of the paper. The adhesive applicator and method by which the glue is applied is the same, the orientation of the paper is the only difference, and this is not a patentable difference. In addition, the end result, a book of pages bound with adhesive on one side, is not altered by the orientation of the pages of the conveyor.

In addition, although Minami does not specifically teach a method of binding pages, it would have been obvious to one of ordinary skill in the art to perform the method steps of claims 11 and 12 using the apparatus taught by Minami and outlined in the paragraphs above.

Claims 3-5, and 15, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami as applied to claims 1, 2, 11, and 12 above, and further in view of Daneke.

Daneke teaches a page support tray that includes a vibrator interacting with the tray so as to induce vibration therein to assist in alignment of the pages of the stack, wherein the tray has a base including at least one corner portion that is lower than other portions of the base, and the tray includes at least two side walls extending substantially perpendicular to each other and against which perpendicular edges of the pages bear for alignment of the pages within the stack. Lastly he teaches that a frame supports the tray, see figure 2 and column 1.

It would have been obvious to one of ordinary skill in the art to use the vibratory tray of Daneke in the page binding device of Minami if one wanted to ensure that the pages were in perfect alignment in the stack before they were pressed together.

While Daneke does not specifically teach a method of binding pages it would have been obvious to perform the method steps of claims 15, 1, 18, and 21 using the vibrating support tray and taught by Daneke and the page binding device taught by the combination of Daneke and Minami.

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami as applied to claims 1 and 11 above, and further in view of Daneke.

Daneke teaches that the support tray is of adjustable height. It would have been obvious to one of ordinary skill in the art to include the height adjustable tray of Daneke in the page

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binder of Minami if one desired to ensure that an upper page of the stack is situated at a predefined level for interaction with a press devices, 11, taught by Minami.

While Daneke does not teach a method, it would have been obvious to one of ordinary skill in the art to perform the method step of claim 13 using the page binder apparatus taught by the combination of Minami and Daneke.

Claims 6-9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami in view of Daneke as applied to claims 1 and 4 above, and further in view of Johnson.

Neither Minami nor Daneke teach dampers to dampen the vibration of the tray, nor that the tray is supported or suspended from a frame. Johnson, however, does teach these features. Shown in figure 3, Johnson teaches a frame, comprising base 10, upright support member 25 and 26, and shock-absorbing mounting, 35, which support and suspend a vibration deck. Johnson further teaches that the shock-absorbing mounting, 35, along with reeds 30 and 31 serve to dampen the vibration of the tray, and that the dampers extend from the tray to the frame, as shown in figure 3 and discussed in column 6, lines 20+.

It would have been obvious to modify the apparatus taught by the combination of Minami and Daneke with the dampers and frame features as taught by Johnson if one desired to control the amplitude of the vibrations and the noise of the vibrations.

While Johnson does not teach a method of operation, it would have been obvious to one of ordinary skill in the art to perform the method steps of claim 20 using the apparatus taught by the combination of Minami, Daneke and Johnson.

Allowable Subject Matter

Claims 14, 16, 17, 19, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S Joerger whose telephone number is 703-305-8503. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksj

2 June 2004


DONALD P. WALSH
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